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3 **FACSIMILE #703-872-9306, FOR EXAMINER F. L.**  
4 **EVANS, TELEPHONE 571-272-2414, ART UNIT 2877**  
5 Response 43 pages,  
6 Drawings 0 sheets  
7 Terminal Disclaimer 0 sheet.  
8 Total Fax pages 43

Our Ref. No. P-1259-981

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
OZANICH

Date: June 8, 2004

Serial No. 09/804,613

Group Art Unit: 2877

Filed: March 12, 2001

Examiner: F. L. Evans

For: AN APPARATUS AND METHOD  
FOR MEASURING AND  
CORRELATING CHARACTERISTICS  
OF FRUIT WITH VISIBLE/NEAR  
INFRA-RED SPECTRUM

## AMENDMENT AND RESPONSE

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Commissioner:

In response to the communication from the Examiner dated April 13, 2004, please  
consider the following:

Response Is Timely

The applicant respectfully observes that this response is timely following the  
Examiner's Communication of April 13, 2004. However, the Examiner is hereby  
authorized to deduct other fees owing from the deposit account of Liebler, Ivey &  
Connor, P.S./Floyd E. Ivey, 35,552, Deposit account No. 50-0607.

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on June 8, 2004 by Floyd E. Ivey,  
Serial No. 09/804,613.

Application No. 09/804,613

Floyd E. Ivey, USPTO 35532,

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**I. INTRODUCTORY COMMENTS****Response to Detailed Action of April 13, 2004**

The Examiner's Communication of April 13, 2004, states that the amendments filed March 23, 2004 will not be entered as they are not deemed to place the application in better form for appeal. The Examiner states in the Examiner's Action of April 13, 2004, that the status of the claims is that claims 1 through 7 and 23 are allowed; claims 9-15, 20-22, 24-62 and 64 are objected to and claims 8, 16-19 and 63 are rejected.

The Examiner, at page 2, acknowledges that the Terminal Disclaimer filed March 23, 2004 has been recorded.

At page 2-3, the Examiner states that "the amendment filed on March 23, 2004 (changes to the specification and claims) should be resubmitted including amendments to claims 9, 17, 19, 25 and 63 to correct the problems specified above. Such an amendment would appear to place the application in condition for allowance.

With the exception of 1. these Introductory Comments, 2. VI. REMARKS REGARDING 112 REJECTIONS OF CLAIMS AND AMENDMENTS TO THE CLAIMS, 3. VIII. SUMMARY OF AMENDMENTS AND REMARKS, and necessary amendments to the claims, no other portions of the Amendment submitted March 23, 2004, will be changed. These changes implement corrections identified by the Examiner at page 2-3 and as noted in the previous paragraph.

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Application No. 09/804,613

Floyd E. Ivey, USPTO 35552,

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Floyd E. Ivey, USPTO 35152

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